

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
HELENA DIVISION**

**MICHAEL L. BUTLER, ADC # 500230**

**PLAINTIFF**

**v.**

**No. 2:07CV00128 JLH/HDY**

**LARRY NORRIS,  
GREG HARMON, CHERYL EVANS,  
DONDIE FRANKLIN, HARRISON  
FOREMAN, LAMONTRELL JONES,  
TIMOTHY L. MORRISON, FELICIA  
PHILLIPS, CLEASTER HUBBARD,  
BRENDA ANDERSON, T. COMPTON,  
JAMES GIBSON, KATHY STEWART,  
MARY WILLIS**

**DEFENDANT**

**SECOND AMENDED COMPLAINT**

COMES NOW, the Plaintiff, Michael L. Butler, ADC #500230, by and through his attorney, Clinton D. McGue, and states that this Amended Complaint is to correct and supplement the Complaint filed in the U. S. District Court, Eastern District of Arkansas (Helena), on the 10<sup>th</sup> day of October 2007, Amended Complaint filed February 5, 2008, and Motion to Amend/Correct 2 Complaint filed June 16, 2008, in order to add Defendants, Kathy Stewart and Mary Willis to this cause of action. Plaintiff, Michael L. Butler, ADC #500230, states and alleges:

1. That this is a prisoners' civil rights action under authority of 42 U.S.C. § 1983 to redress Defendants' violations of constitutional rights while acting under color of law.
2. That at all times relevant to this Complaint, Plaintiff was incarcerated at the East Arkansas Regional Unit of the Arkansas Department of Corrections ("the Prison").

3. That at all times relevant to this Complaint, Defendants Stewart and Willis were employed by the Prison.

4. That on May 17, 2007, at the Prison's ISO 2 and ISO 3 Defendant Willis was present when Plaintiff was verbally and physically assaulted.

5. That on May 17, 2007, at the Prison's ISO 3 Defendant Stewart participated in the physical assault upon Plaintiff.

6. That Plaintiff did receive substantial physical injuries as a result of the assault upon him.

7. That because certain Defendants intentionally and maliciously assaulted Plaintiff while acting under color of law, they knowingly exhibited excessive force and deliberate indifference. This conduct constitutes cruel and unusual punishment as prohibited by the 8<sup>th</sup> Amendment of the United States Constitution, and a denial of Due Process as prohibited by the 14<sup>th</sup> Amendment.

8. That because certain Defendants ignored a clear and serious risk of harm to Plaintiff, they exhibited deliberate indifference and knowingly violated the 8<sup>th</sup> and 14<sup>th</sup> Amendments.

9. That these violations were committed with malice or ill will, and justify the assessment of punitive damages.

10. That this Amended Complaint is being filed for the express purpose of adding two (2) additional Defendants, and it is the intention of Plaintiff that his original Complaint, along with all other previously filed Amendments and "Corrections" are herein specifically adopted and incorporated into this Amended Complaint.

WHEREFORE, Plaintiff, Michael L. Butler, prays for an award of reasonable and appropriate actual and compensatory damages, punitive damages, attorneys' fees and costs, and all other proper relief to which Plaintiff may be entitled.

Respectfully submitted,

*Michael L. Butler, ADC #500230*

/s/ Clinton D. McGue  
CLINTON D. MCGUE, #94150  
Attorney for Plaintiff  
P.O. Box 922  
Cabot, AR 72023  
501.843.2237

**Certificate of Service**

A true and accurate copy of the foregoing has been forwarded by first class mail, postage paid, to the following on this 14<sup>th</sup> day of July 2009: Renae Ford Hudson, Arkansas Attorney General's Office, 323 Center Street, Suite 200, Little Rock, AR 72201-2610, Harrison Foreman, 208 ER Gaines, Marianna, AR 72360, Lamontrell Jones, PO Box 991, Marianna, AR 72360, Timothy L. Morrison, 164 Maribeth Avenue, Forrest City, AR 72335, Felicia Phillips, 113 West Elise, Forrest City, AR 72335, Kathy Stewart, 625 Village Street, Forest City, AR 72335 and Mary Willis, 164 W. Main St., Marianna, AR 72360.

/s/ Clinton D. McGue  
Clinton D. McGue